

CHAPTER 7: ZONE DISTRICT REGULATIONS

7.1 R-1 SINGLE-FAMILY RESIDENTIAL

7.1.1 Purpose

The R-1 district is intended to provide sites for low-density single-family residential uses, together with such public facilities as may appropriately be located in the same district. The R-1 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with single-family occupancy, and, along with the Brian Head Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain non-residential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

7.1.2 Permitted Uses

- a. Single unit dwellings;
- b. Home occupations that do not have or require visible signage, parking of more than two cars, or create any other real or potential impacts on adjacent properties greater than would be created by single-family use or involve individuals who are not part of a single family unit;
- c. The boarding of horses for non-commercial use, subject to a horse boarding permit;
- d. Rentals of single-family residences;
- e. Other uses customarily incidental and accessory to single family residential uses, and necessary for the operation thereof (garages or carports, play equipment, or other approved single family use).

7.1.3 Conditional Uses

- a. Bed-and-breakfast rentals
- b. Public utility uses
- c. Public or private schools
- d. Public parks
- e. Churches

7.1.4 Physical Restrictions

- a. *Minimum lot area:* 14,520 sq. ft. (1/3 acre)
- b. *Minimum frontage:* 45'
- c. *Minimum setbacks:* front = 25', except that on slopes exceeding 20%, a variance for a garage may be applied for, side = 20', rear = 20'
- d. *Setback Exception* The following shall be allowed to encroach within the required

setback, subject to compliance with the provisions of this section. 7.1.4(d):

- i. Driveway & walkway
- ii. Roof Eaves, provided they encroach no more than 5 feet into the required setback;
- iii. Pop out windows, provided the bottom of the pop out structure is no less than 8 feet above grade measured at the pop out structure, the total width of the pop out structure does not exceed 12 feet measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eave, and the pop out structure encroaches no more than 3 ½ feet into the required setback; and
- iv. Decks and exterior staircases attached to the residential structure will be permitted on a case by case basis as a special exception after written approval of the Planning Commission following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave of the residential structure, and the deck or exterior staircase may encroach no more than 4 feet into the required setback.

f. *Maximum height:*

40'

1' may be added for each 2.5% slope (45' maximum), or 1' may be added for every 10' of all setbacks greater than required (45' maximum)

f. *Max. building coverage:*

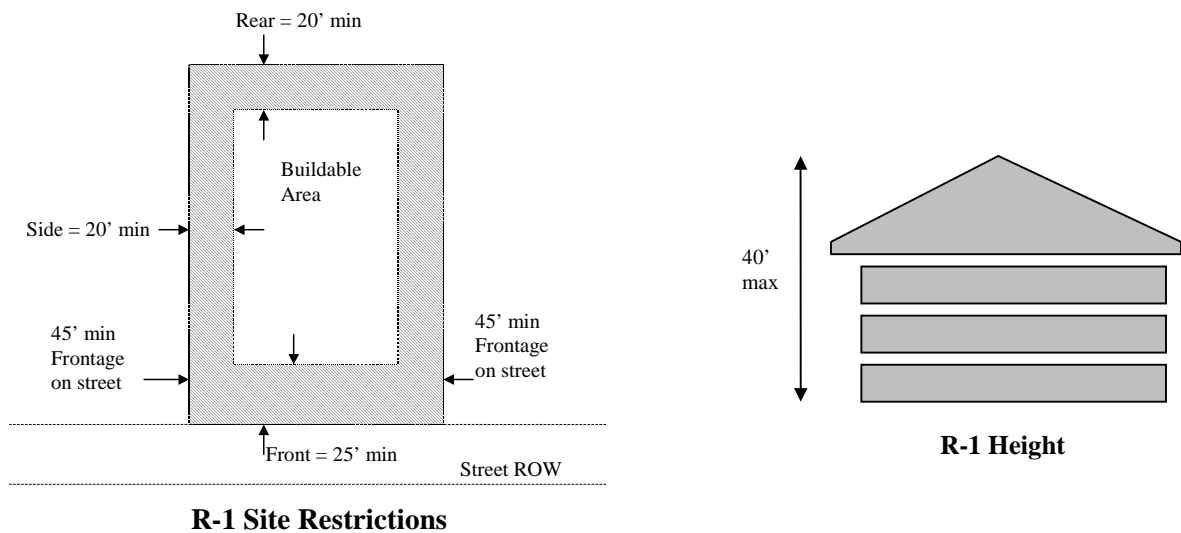
25% of the lot area

g. *Existing vegetation:*

Every effort shall be made to preserve existing vegetation to maintain the atmosphere and subject to the Brian Head Fire Code. (Refer also to Chapter 10)

h. Parking:

In accordance with Section 12.12 (Parking)

**7.2 R-2 MEDIUM DENSITY RESIDENTIAL****7.2.1 Purpose**

The R-2 district is intended to provide sites for medium-density single and multi-family residential use at a maximum density of 12 dwelling units per acre, together with such public facilities as may appropriately be located in the same district. The R-2 district regulations are intended to ensure adequate light, air, open space for each dwelling, commensurate with medium density multi-family occupancy, and along with the Brian Head Design Guidelines, to maintain the desirable residential qualities of such sites by establishing appropriate site development standards. Certain non-residential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

7.2.2 Permitted Uses

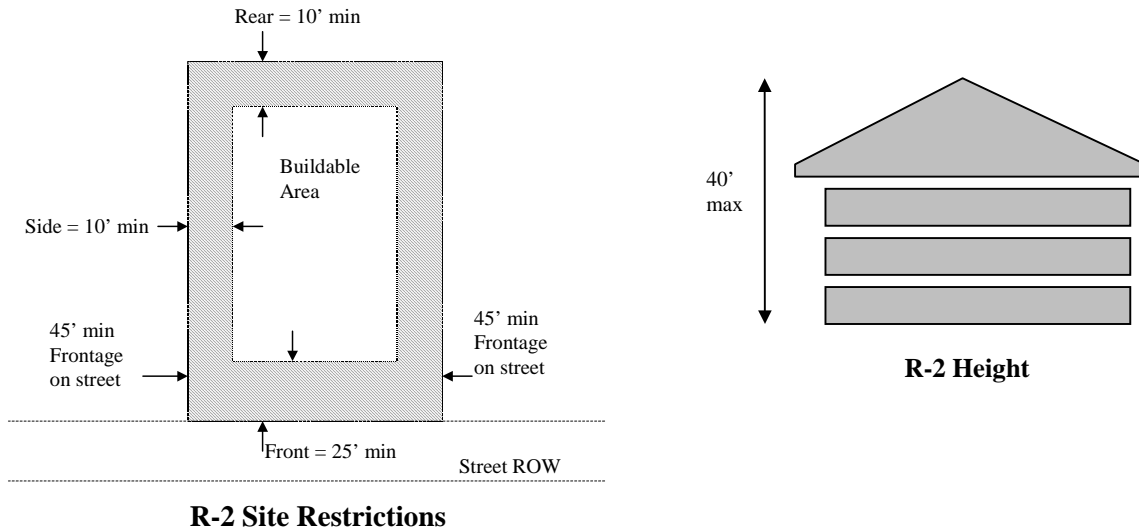
- a. Single unit dwellings;
- b. Multi-family dwellings (two or more dwelling units per structure including townhomes);
- c. Home occupations that do not have or require visible signage, parking of more than two cars, or create any other real or potential impacts on adjacent properties greater than would be created by a single-family use or involve individuals who are not part of a single-family unit;
- d. Nightly rental of dwelling units;
- e. Other uses customarily incidental and accessory to single-family residential uses, and necessary for the operation thereof (garages or carports, play equipment, etc.);
- f. Public parks and open spaces.

7.2.3 Conditional Uses

- a. Bed-and-breakfast rentals
- b. Public utility uses
- c. Public or private schools
- d. Churches
- e. Planned unit development
- f. Public facilities

7.2.4 Physical Restrictions

- a. *Minimum lot area:* 21,780 sq. ft. (½ acre)
- b. *Minimum frontage:* 45'
- c. *Minimum setbacks:* front = 25', except that on slopes exceeding 20%, a variance may be applied for. Side = 10', rear = 10'
- d. *Setback Exception* The following shall be allowed to encroach within the required setback, subject to compliance with the provisions of this section. 7.1.4(d):
 - e. Driveway & walkway
 - i. Roof Eaves, provided they encroach no more than 5 feet into the required setback;
 - ii. Pop out windows, provided the bottom of the pop out structure is no less than 8 feet above grade measured at the pop out structure, the total width of the pop out structure does not exceed 12 feet measured at the point where the pop out structure attaches to the residential structure, the pop out structure is under and completely covered by a roof overhang or eave, and the pop out structure encroaches no more than 3 ½ feet into the required setback; and
 - iii. Decks and exterior staircases attached to the residential structure will be permitted on a case by case basis as a special exception after written approval of the Planning Commission following review. The deck or exterior staircase must be uncovered other than by a permitted roof overhang or eave of the residential structure, and the deck or exterior staircase may encroach no more than 4 feet into the required setback.
- f. *Maximum height:* 40'
45' for peaked roof, 35' for flat roof
- g. *Max. building coverage:* 40% of the lot area
- h. *Max. density* 12 units per acre (or a fraction thereof) for multi-family dwellings
- i. *Existing vegetation:* Every effort shall be made to preserve existing vegetation to maintain the atmosphere and subject to the Brian Head Fire Code. (Refer also to Chapter 10)
- j. *Parking:* In accordance with Section 12.12 (Parking)



7.3 R-3 MULTI-FAMILY RESIDENTIAL

7.3.1 Purpose

The R-3 district is intended to provide sites for multiple-family dwellings at densities to a maximum of 24 dwelling units per acre, together with such commercial and public facilities as may appropriately be located in the same district. The R-3 district regulations are intended to ensure adequate light, air, open space, and other amenities commensurate with multiple family occupancy, and, with the Brian Head Design Guidelines, to maintain the desirable residential qualities of the district by establishing appropriate site development standards. Certain non-residential uses may be permitted as conditional uses, and where approved, are intended to blend harmoniously with the residential character of the district.

7.3.2 Permitted Uses

- a. Multi-family dwellings (two or more dwelling units per structure including townhomes);
- b. Nightly rentals of dwelling units;
- c. Bed-and-breakfast establishments;
- d. Public open spaces (parks, etc.);
- e. Public recreation areas; i.e., Nordic ski and bike centers;

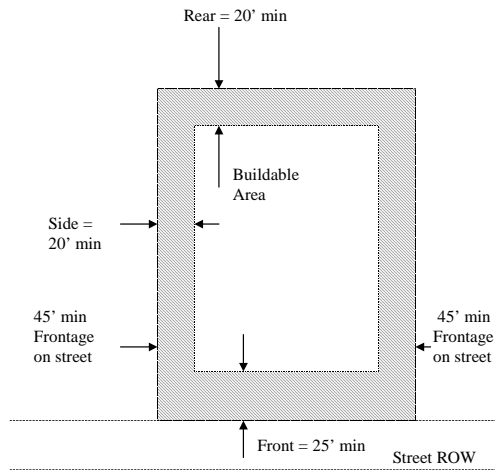
- f. Real Estate sales offices operated in conjunction with condominium rental offices;
- g. Single-family dwellings;
- h. Other uses customarily incidental and accessory to permitted uses and necessary for the operation thereof;
- i. Home occupations where the occupation is carried on entirely within the dwelling unit and where clients or customers do not come to the home location.

7.3.3 Conditional Uses

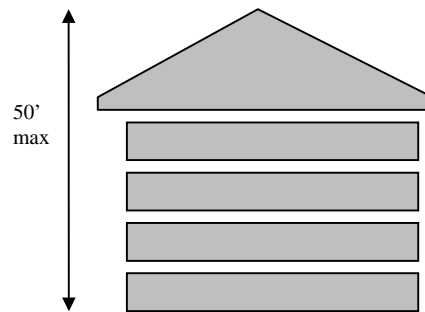
- a. Limited retail, food and beverage service and personal services in conjunction with lodging facilities (barber/beauty, travel, child care, etc) for the use of building residents (total of 40 sq. feet per residential unit);
- b. Churches;
- c. Schools;
- d. Public institutions;
- e. Public parking lots;
- f. Convention facilities.

7.3.4 Physical Restrictions

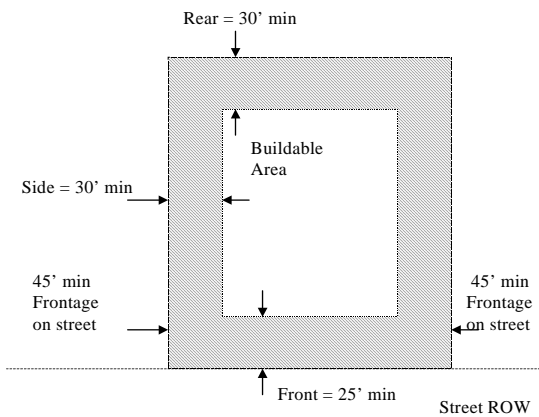
- a. *Minimum lot area:* 21,780 sq. ft. (1/½ acre)
- b. *Minimum frontage:* 45'
- c. *Minimum setbacks:* front = 25', side = 20', rear = 20' up to 35' in height. For buildings over 35' in height, side = 30', rear = 30', front = 25'
- d. *Setback exceptions:* Driveway, walkway, deck, eaves. Townhomes shall be treated as a single structure.
- e. *Maximum density:* 24 dwelling units per acre (or fraction thereof) for multi-family dwellings
- f. *Maximum height:* 50' for peaked roof, 40' for flat roof
- g. *Max. building coverage:* 40% of the lot area
- h. *Min. Landscaping:* 30% of the lot area shall be landscaped. Parking is not considered landscaping.
- i. *Parking:* In accordance with Section 12.12 (Parking).



**R-3 Site Restrictions
(35 ft or less)**



R-3 Height



**R-3 Site Restrictions
(over 35 ft)**

7.4 C-1 LOCAL COMMERCIAL

7.4.1 Purpose

The C-1 district is intended to provide sites with a mixture of business and commercial establishments in an auto-oriented setting. C-1 district regulations are intended to ensure light, air, open space and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the Brian Head Design Guidelines, prescribe site development standards that are intended to maintain the unique character of the Brian Head Town

commercial areas and to ensure an attractive, functional resort setting.

7.4.2 Permitted Uses

- a. Professional offices (real estate, finance, insurance, medical and dental, etc.)
- b. Personal services (barber/beauty, self-service laundry, etc.)
- c. Public parking lots
- d. Public institutions
- e. Public open spaces (parks, etc.)
- f. Public recreation areas
- g. Theater and arcade (entertainment)
- h. Banks
- i. Light hardware (no outside storage or sales of goods)
- j. Places for retailing of goods emphasizing local services (necessities, sundries, groceries, and convenience items), (including outdoor display)
- k. Food and beverage service
- l. Child care centers
- m. Public and private educational institutions
- n. Single-family and multi-family dwellings located above commercial space
- o. Churches
- p. Schools
- q. Other uses customarily incidental and accessory to permitted commercial uses and necessary for the operation thereof

7.4.3 Conditional Uses

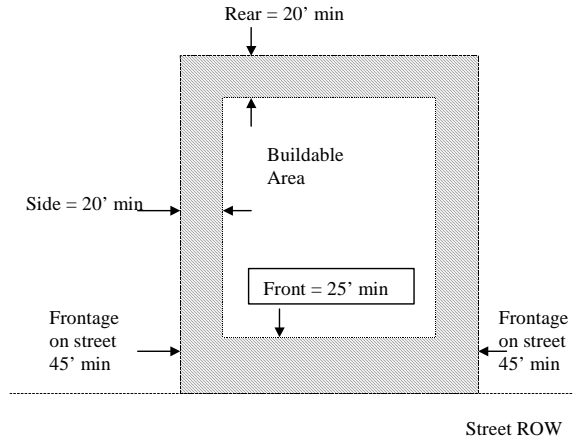
- a. Gasoline service stations
- b. Outdoor Retail Sales
- c. Recreational vehicle rental, sales, and service

7.4.4 Physical Restrictions

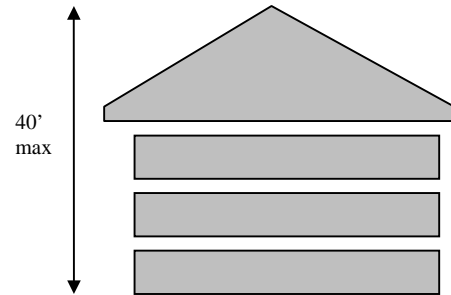
- a. Minimum lot area: 14,520 sq. ft. (1/3 acre)
- b. *Minimum frontage*: 45'
- c. *Minimum setbacks*: Front = 25'; side and rear = 20' up to 35'. For buildings over 35' in height, side and rear = 30', front = 25'
- d. *Setback exceptions*: Driveway, walkway, deck, eaves (see 7.1.4.d)
- e. *Maximum height*: 40'. West of Village Way, South of Bear Flat Road, East of Highway 143, (see map)
- f. *Maximum density*: 24 dwelling units per acre (or fraction thereof) for multi-family dwellings
- g. *Maximum building coverage*: 40% of lot area

- h. *Minimum landscaping:*
- i. *Parking and Loading:*

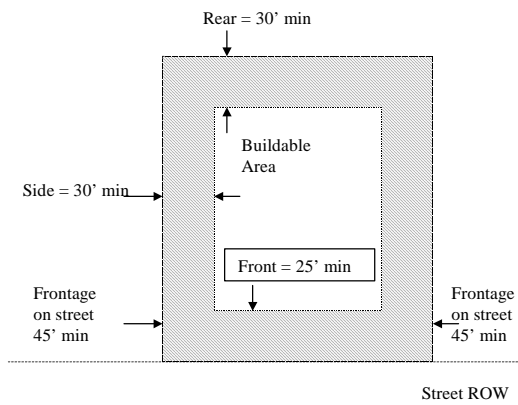
30% of the lot area shall be landscaped
In accordance with Section 12.12 (Parking).



**C-1 Site Restrictions
(35 ft in height)**



**C-1 Height
Typical**



**C-1 Site Restrictions
(over 35 ft in height)**

7.5 C-2 VISITOR ORIENTED COMMERCIAL

7.5.1 Purpose

The C-2 district is intended to provide sites outside of the Core Village Area, with a mixture of lodges and commercial establishments in an auto-oriented setting, focusing on tourist visitors. The C-2 district regulations are intended to ensure light, air, open space and other amenities appropriate to the permitted types of buildings and uses. The C-2 district regulations, in conjunction with the Brian Head Design Guidelines, prescribe site development standards that are intended to maintain the unique character and relationship of the Brian Head Town commercial areas and to ensure an attractive, functional resort setting.

7.5.2 Permitted Uses

- a. Food and beverage establishments
- b. Retail, guest services, non motorized equipment rental — oriented to tourists and mountain outdoor recreation, (including outdoor display)
- c. Lodging and nightly rentals (including hotels and motels)
- d. Multi-family housing above commercial space
- e. Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

7.5.3 Conditional Uses

- a. Recreational vehicle rental, sales, and service
- b. Gasoline service stations
- c. Outdoor Retail Sales

7.5.4 Physical Restrictions

- a. *Minimum lot area:* 14,520 sq. ft. (1/3 acre)
- b. *Minimum frontage:* 45'
- c. *Minimum setbacks:* Front = 25'; side and rear = 20'
- d. *Setback exceptions:* Driveway, walkway, deck, eaves (see 7.1.4.d)
- e. *Maximum height:* 50' for peak roof, 40' for flat roof
- f. *Maximum density:* 24 dwelling units per acre (or fraction thereof) for multi-family dwellings
- g. *Maximum building coverage:* 40% of the lot area
- h. *Minimum landscaping:* 30% of the lot area
- i. *Parking and Loading:* In accordance with Section 12.12 (Parking). On-site parking should be provided in the rear of the building or underground. Parking may be provided off-site by

participating in a parking district, or by providing parking lots jointly with other specific establishments.

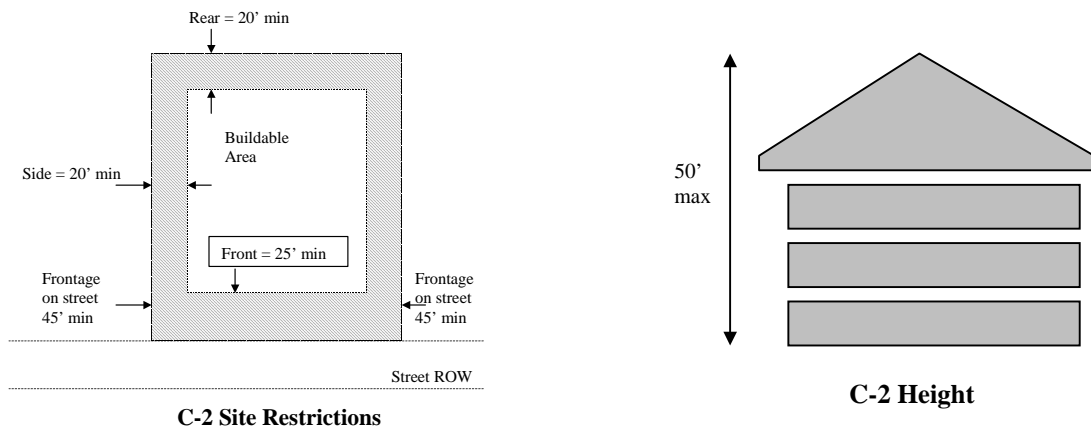


Figure 1

7.6 C-3 VILLAGE CORE COMMERCIAL

7.6.1 Purpose

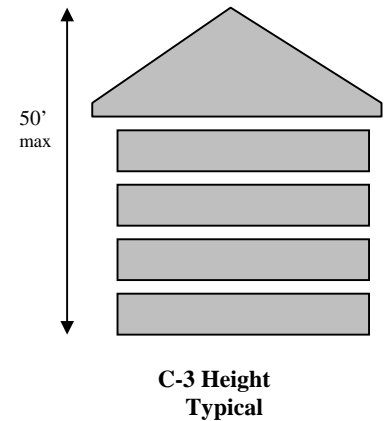
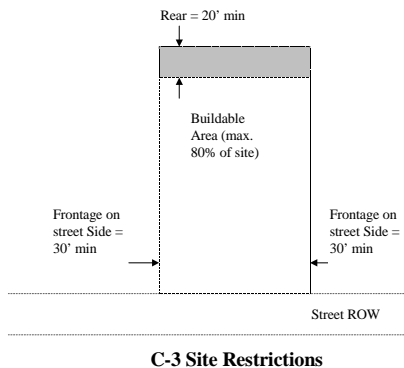
The C-3 district is intended to provide a primary village core with a mixture of lodges, business and commercial establishments in a predominantly pedestrian setting. The C-3 district regulations are intended to ensure light, air, open space and other amenities appropriate to the permitted types of buildings and uses. The district regulations, in conjunction with the Brian Head Design Guidelines, prescribe site development standards that are intended to maintain the unique character of the Brian Head Town commercial areas and to ensure an attractive, functional resort setting.

7.6.2 Permitted Uses

- Pedestrian-oriented retail stores (including outdoor display)
- Food and beverage establishments
- Banks
- Entertainment establishments
- Health spas
- Guest services, Non-motorized recreation equipment rental

- g. Professional and personal services (beauty shops, travel agencies, real estate, law, medicine)
- h. Professional offices
- i. Multi-family housing, hotel type lodging in conjunction with ground floor commercial space
- j. Other uses customarily incidental and necessary to permitted uses and necessary for the operation thereof.

7.6.3 Conditional Uses



a. Outdoor Retail Sales

7.6.4 Physical Restrictions

- a. *Minimum lot area:* 3,000 square feet
- b. *Minimum frontage:* 30'
- c. *Minimum setbacks:* Rear = 20', side and front = 0'
- d. *Setback exceptions:* Driveway, walkway, deck, eaves (see 7.1.4.d)
- e. *Maximum height:* 50' for peaked roof, 40' for flat roof (see map)
- f. *Density:* 24 dwelling units/acre
- g. *Maximum building coverage:* 80% of the lot area
- h. *Landscaping:* No requirement —Planters, decorative paving, and trees in tree grates are appropriate
- i. *Parking and Loading:* In accordance with Section 12.12 (Parking). On-site parking should be provided in the rear of the building or underground. Parking may be provided off-site by participating in a parking district, or by providing parking lots jointly with other specific establishments. In the Core area, loading zones shall be located only by specific review.
- j. *Pedestrian:* Provisions for pedestrian traffic, integrated with

neighboring walkways, must be provided.

7.7 L-1 LIGHT INDUSTRIAL

7.7.1 Purpose

To provide sites for light industrial uses that are not appropriate in other commercial districts. Because of the varied nature and potential impacts of the uses, all permitted uses are subject to the restrictions below and the Brian Head Design Guidelines as a condition of approval. The physical restrictions set out below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a permit for any use.

7.7.2 Permitted Uses

- a. Vehicle and equipment storage yards
- b. Storage and/or sales of construction/building materials
- c. Warehouses and mini-warehouses (rental)
- d. Firewood preparation, storage and sales
- e. Vehicle service yards and service garages
- f. Gasoline and oil storage and sales or distribution
- g. Utility substations
- h. Other similar uses

7.7.3 Conditional Uses

- a. Rental of horses
- b. Outdoor retail sales
- c. Recreational vehicle rental, sales, and service

7.7.4 Physical Restrictions

The restrictions below shall be considered minimum, and more restrictive standards may be prescribed as conditions of a Conditional Use permit for any use.

- a. *Minimum lot area:* 14,520 square feet (1/3 acre)
- b. *Minimum frontage:* 50'
- c. *Minimum setbacks:* front = 25', side and rear = 20'(from residential property), side and rear = 10' (from adjoining L-1 property)
- d. *Maximum height:* 35' for peaked roof, 25' for flat roof
- e. *Density:* Not applicable
- f. *Maximum building coverage:* 50% of lot area
- g. *Min. Landscaping:* 25% of the lot area shall be landscaped.
- h. *Parking and Loading:* In accordance with Section 12.12 (Parking).

- i. *Screening:* All outdoor storage, vehicles, machinery and equipment shall be screened and/or out of public view as seen from Highway 143 and any roadway fronting or driveway providing access to the property on which it is stored.
- j. *Noise:* No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence or frequency, which is audible at the boundaries of the site.
- k. *Other Restrictions:* No service facilities may be located within setbacks. Design should provide for all servicing of vehicles to be within structures except for delivery of gas and other fluids.

7.8 ROS RECREATION OPEN SPACE

7.8.1 Purpose

To preserve areas for land uses requiring substantial areas of open land and substantially free from structures, roads and parking lots, while permitting recreational pursuits such as ski areas, parks, golf courses and trails. Public or private recreational facilities are suitable uses in this district, provided that such uses maintain the open, undeveloped character of the land.

7.8.2 Permitted Uses

- a. Ski runs and ski lifts, tubing park, mountain bike park and trails.
- b. Parks, playgrounds, and other open recreational facilities
- c. Outdoor recreation, including golf courses, swimming facilities, riding or bridle paths, related facilities and uses, picnic areas, tennis courts
- d. Rental of horses
- e. Multi-Use trails

7.8.3 Conditional Uses

Related buildings and parking.

7.9 COS CONSERVATION OPEN SPACE

7.9.1 Purpose

To identify and preserve land that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land includes property owned by a governmental entity, or parcels for which a scenic or conservation

easement has been granted to a governmental entity, land trust or conservation organization.

7.9.2 Permitted Uses

Ski lifts and recreational trails.

Restrictions

All lands are to remain free of structures.

7.10 CV Civic Uses

7.10.1 Purpose and Objectives.

The Civic Uses (CV) Zone is intended to provide areas for the location and establishment of facilities which are maintained in public and quasi-public ownership. This zone is intended to provide immediate recognition of such areas on the official zoning map of Brian Head, and to reduce the affect which the location of these facilities may have upon neighborhoods in residential, commercial, or industrial areas. Typical uses permitted in the CV zone are public schools, public parks, hospitals, airports, public utilities, public equipment storage areas, municipal offices and meeting halls, and public shop areas. Though some of these uses will be allowed in other zones to initially accommodate public facilities in appropriate areas without undue difficulty, it is intended that the CV zone would then be applied to all such facilities for ease of recognition and minimizing impacts.

7.10.2 Permitted Uses

- a. Cultural activities and nature exhibits (public only)
- b. Forest Reserves (public only)
- c. Governmental services
- d. Recreational activities (public only)
- e. School Facilities (public only)

7.10.3 Permitted Accessory Uses

Accessory uses and structures are permitted in the CV zone provided they are incidental to, and do not substantially alter the character of the permitted use or structure – including, but not limited to, the following:

- a. Accessory buildings such as garages, carports, bath houses, green houses, gardening sheds, recreation rooms, and similar structures which are customarily used in conjunction with and incidental to a principle use or structure;
- b. Swimming pools;

- c. A detached single-family residence used only for the use of a caretaker, watchman, or similar employee of a permitted use, when located upon the same site as said permitted use, i.e. RV Park Camp Host
- d. Storage of materials used for construction of a building, including the contractor's temporary office, provided that such use is on the building site or immediately adjacent thereto, and provided further that such use shall be permitted only during the construction period and thirty (30) days thereafter;
- e. Nothing herein shall be construed to permit the open storage of materials or equipment used in conjunction with permitted uses. All such materials or equipment shall be concealed from view from public or private streets.

7.10.4 Conditional Uses

- a. Airports and flying fields
- b. Ambulance Services
- c. Cemetery
- d. Combination utilities company storage yards and equipment storage
- e. Communications
- f. Electricity regulating substations
- g. Fishing activities
- h. Golf Courses
- i. Group or organized camps
- j. Hospitals
- k. Heliports and general aircraft
- l. Mining and quarrying
- m. Other utilities
- n. Other water utilities or irrigation
- o. Parks
- p. Private School Facilities
- q. Private Recreational Facilities
- r. Religious Activities
- s. Refuse incineration
- t. Solid waste transfer station
- u. Tourist or cabin courts
- v. Water treatment plants (purification)
- w. Water storage as part of a utility system (open reservoirs)

7.10.5 Physical Restrictions

- a. Minimum lot area: 10,000 square feet
- b. Minimum frontage: 45' or smaller when approved with 7.9.4 Conditional Uses
- c. Minimum setbacks:
 - Front: 25'
 - Side and Rear: 10', or 20' when adjoining residential property
- d. Maximum height: 50' for peaked roof, 40' for flat roof

- e. Maximum building coverage: 50% of lot area
- f. Minimum landscaping: 20% of lot area
- g. Screening: All outdoor storage, vehicles, machinery and equipment shall be screened and/or out of public view as seen from Highway 143 and any roadway fronting or driveway providing access to the property on which it is stored.
- h. Parking and loading: In accordance with Section 12.12 (Parking)
- i. Noise: No use shall be permitted or conducted which creates noise, objectionable by reason of volume, pitch, intermittence or frequency which is audible at the boundaries of the site.
- j. Other Restrictions: No service facilities may be located within setbacks. Design should provide for all servicing of vehicles to be within structures except for delivery of gas and other fluids.